A RELATION OF THE PROCEEDINGS AT Charter-House,

Upon Occasion of

King JAMES the II.

His presenting a

PAPIST

To be admitted into that

HOSPITAL.

In Vertue of His

Letters Dispensatory.

LONDON,

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HOSPITAL.

[illegible]

A RELATION OF THE PROCEEDINGS AT Charter-House, &c.

THE late Uſurpation upon the Laws of *England* by a *Diſpenſing Power*, was ſo remarkable and ſingular, that every inſtance of it ought to be recorded to poſterity. They begun very early with Mr *Sutton*'s Hoſpital, commonly called the *Charter-houſe*: and the King ſent a *Papiſt* to be admitted Penſioner or poor Brother there, contrary to all rules of that Foundation. But he came accordingly armed with a Royal Diſpenſation, both as to his Conformity to the Church of *England*, and as to the Oaths of Allegiance and Supremacy: Which they are bound to take at their admiſſion into that place.

The Governours of the Hoſpital, Perſons of the greateſt quality, ſhewed themſelves Faithful Truſtees to Mr *Sutton* upon that occaſion. And, tho' they had no precedent, at that time, to follow, made a vigorous reſiſtance to this encroaching power. Whereby they did good Service alſo to the Publick, in that low ſtation of a private Hoſpital. As ſometimes a little Frontier Garriſon, well defended, gives a check to a great Army, and a good example to the reſt of the Countrey, to ſtand ſtoutly upon their defence.

The KING's Letter was as followeth.

JAMES R.

RIght Trusty and Right Welbeloved Cousins and Counsellors, and Right Trusty and Welbeloved Counsellors and Trustees, WE greet you well. Humble suit having been made unto US, in the behalf of *Andrew Popham*, Gent. that, in regard of his Loyalty and Sufferings, and the necessitous condition he is thereby reduc'd unto, WE would bestow upon him the place of one of Our Pensioners in the Hospital of the *Charter-house*; which request WE are graciously pleased to condescend unto. Our Will and Pleasure therefore is, that you choose and admit him the said *Andrew Popham* into the first Pensioners place in that Our Hospital, that shall become void and in Our disposal. Next after such as have already obtained our Letters for the like places, if any such be. Without Tendring any Oath or Oaths, unto the said *Andrew Popham*: or requiring of him any Subscription, Recognition or other Act or Acts in conformity to the Doctrine and Discipline of the Church of *England*, as the same is now established. And notwithstanding any Statute, Order, or Constitution of or in the said Hospital: with which we are graciously disposed to Dispense in this behalf. To hold and enjoy the said place, with all profits, perquisites and advantages thereunto belonging. And so We bid you heartily farewel. Given at Our Court at *Whitehal* the 17th day of *December* 1686. in the Second Year of Our Reign.

This

This Letter was not deliverted to the Master of the Hospital, but to the Register at his house in the City. Who thereupon did not come to acquaint the Master with the contents of it, but sent this *Andrew Popham* to him, to be admitted, with a Certificate under his hand, in the usual form, as for an Admission of course. Giving the Master no Notice that he was a Papist, or that the King had dispens'd with his taking the Oaths and with his Religion.

The Certificate was This.

These are to Certifie, That Andrew Popham *is to be admitted a Pensioner into this Hospital, upon the Nomination of the* King's *Majesty. And that his Place is now fallen.*

20 Decemb. 1686. Wm. L.
Regist.

Popham came to the Master with this Certificate, and desir'd to be admitted. The Master askt him, where his Letter of Nomination was, and to whom it was directed? He said it was directed to the Governors of the Hospital, and he had left it in the Register's hands. If it was directed to the Governors, the Master told him, it must be deliver'd to them, before he could act upon it. And so telling him when there would be a meeting of the Governors, dismist him without admission.

The day appointed for the meeting of the Governors, was the Munday after Twelve-tide; but there did not come a full number at that time, so they could not act. But on the 17*th.* following, there was a full Assembly, and *Popham* was present, and his business heard. The King's Letter being read to the Governors, My Lord Chancellor *Jeffrys* presently mov'd, that they should immediately, without any debate, proceed to vote, Whether *Andrew Popham* should be admitted or no, according to the King's Letter. And 'twas put upon the Master, as Junior, to vote first. But the Master told them, he thought it was his duty to acquaint their Lordships with the state and constitution of the Hos-

pital, before they proceeded to a Vote. This was oppoſed by ſome, but, after a little debate, the Maſter was heard; Who thereupon acquainted their Lordſhips, That to admit a Penſioner into that Hoſpital without taking the Oaths of Allegiance and Supremacy, was not only contrary to the Conſtitutions of the Houſe, but alſo to an Act of Parliament provided in that caſe; namely, to the *Charter-Houſe Act* 3. *Car.* In which it is declar'd and order'd in expreſs terms, that no Perſon, Governour, Officer, nor Penſioner, ſhall be admitted into this Hoſpital, till they have taken the Oaths of Allegiance and Supremacy. When the Maſter had ſaid this, One Governour anſwer'd, *What* is this to the purpoſe? To whom the late Duke of *Ormond* reply'd, He thought it was very much to the purpoſe; For an Act of Parliament was not ſo ſlight a thing, but that it deſerv'd to be conſider'd. Hereupon, after ſome diſcourſe, the Queſtion was put again, Whether *Andrew Popham* ſhould be admitted or no: and it was carried in the Negative.

The words of the Act of Parliament are theſe:
And be it enacted and eſtabliſhed by the Authority aforeſaid, that every Perſon that ſhall from henceforth be elected a Governour of the ſaid Hoſpital, ſhall, before he exerciſe the Place of a Governour, take the ſeveral Oaths of Allegiance and Supremacy.-------- And that the Preacher, Miniſter, Schoolmaſter, Uſher, Officers, and poor Men, and every of them henceforth to be elected or admitted, ſhall, before he exerciſe or take benefit of any ſuch place, take the ſaid ſeveral Oaths of Supremacy and Allegiance.

This, I think, was the firſt *Stand* that was made againſt the *Diſpenſing* Power, by any Society in *England*. After which, followed the oppoſition it met with at the Univerſity of *Cambridge*, and at *Magdalen* Colledge in *Oxford*. The Governours of *Chanter-Houſe* had a freſh Example in ſight, of a tame reſignation to that *Diſpenſing* Power, in an Inſtance where both the honour of the Church, and many Acts of Parliament, were concern'd; But that had no other effect upon them, than to make them think it the more neceſſary to ſtand in the breach that was already made, and to ſtop the progreſs of that Torrent, which was in a fair way, at that time, to over-run the Nation.

They intended to have return'd an Anſwer in Writing forthwith to the King's Letter; But as ſoon as that Vote was paſt, my Lord Chancellor flung away, and ſome others followed him; ſo that there was not a Number left to act as an Aſſembly, or to do any more buſineſs at that time. My Lord of *Canterbury* attempted ſeveral times afterwards to have another Aſſembly, that this Letter might be writ

to

to the King, but could not get a full Number together till Midsummer following.

While the business was hanging thus, there happen'd an accident, which we thought would have put an end to the controversie. Another Person appeared with a Letter of Nomination from the King, of a Date antecedent to that of *Popham's*. And 'twas a Person qualified for the Place, one *Cardonel*, a *French* Protestant Naturaliz'd. This we thought had been a fort method, invented by the Court, to supersede *Popham's* Letter, and so let the Controversie fall without noise. But it prov'd otherwise, for when this Man's pretensions came to be known at Court, The King sent another Letter to exclude him, and to reinforce His former Order for *Popham*.

The KING's Second Letter was this.

JAMES R.

RIght Trusty and Right Welbeloved Cousins and Counsellors, and Right Trusty and Welbeloved Counsellors and Trustees, We greet you well. We did by Our Letter of the 17th. of *December* last, signifie unto you, that it was *Our Royal Will* and Pleasure, that *Andrew Popham*, Gent. should be chosen and admitted into the first Pensioner's place in that Our Hospital, which should become void and in Our disposal: Next after such as had already obtained Our Letters for the like places, if any such there were. *Without* tendring any Oaths unto the said *Andrew Popham*, or requiring of him any Subscription, Recognition, or other Act or Acts in conformity to the Doctrine and Discipline of the Church of *England*, as the same is now established. Notwithstanding any Order or Constitution of or in Our said Hospital: with which We were and are graciously

pleas'd to dispense in this behalf. To hold and enjoy the said place, with all profits, perequisites, and advantages thereunto belonging. And We do accordingly expect and hereby Require, that you forth-with admit him the said *Andrew Popham* a Pensioner of that Our Hospital, in pursuance of this and Our said former Letters. And whereas We are informed, that *Philip de Gardonel* had Our Letter, dated the first day of *August* last past, and that he omitted to present the same, till the 23. of *February* last, after *Andrew Popham*'s Letter had been presented: We do therefore hereby declare *Our Will* and pleasure to be, That the said *Andrew Topham* have the preference, and be immediately admitted into a Pensioner's place in that Our Hospital. And so we bid you heartily farewell. Given at Our Court at *Whitehall* the 27th day of *March*, 1685. In the third Year of Our Reign.

Here were Two Letters, you see, already, under the Signet: And there wanted onely a Broad-Seal, that all the Forces of the Dispensing Power might be employ'd in this attack against *Charter-house*. At length a Broad-Seal was sent, to compleat and ratify this Dispensation for *Popham*; and a Copy of it left with the Master, collated, in his presence, with the Original. They brought also Witnesses along with them, to attest the delivery and collation, and so left it in the Master's hands.

These Letters-Patents did not respect *Popham* onely, but several Others also in the University of *Cambridge*: Four or Five there, that were dispens'd with for like unqualifications. And because the form of one of these new Dispensations is worth seeing, I will set down the form of this in general, as it relates to them all; and particularly, all that belongs to *Andrew Popham*. They begun thus.

JAMES

IAMES the Second, By the Grace of God, of England, Scotland, France and Ireland King, Defender of the Faith, &c. To all to whom these Presents shall come Greeting. Whereas Joshua Basset, and Andrew Popham, Elected, or directed by S. to be elected one of the Almeemen of in Sutton's Hospital near Smithfield, commonly called the Charter-House, have humbly besought us, that they may respectively have and enjoy the said several and respective Places and Preferments, with all the advantages and emoluments to the same respectively belonging, Without being obliged to repair to Church, or to use the Book of Common-Prayer, or to take the Oaths of Allegiance and Supremacy, or either of them; Or the Sacrament of the Lord's Supper, or any Test, or making any Declaration or Subscription relating to Religion: or doing, performing, or subscribing any other Act or Acts in Conformity to the Doctrine, Discipline, or Liturgy of the Church of England. And We being well assured of the Loyalty and integrity of the said respective persons, and of their fitness to have and enjoy the said respective places and preferments, are graciously disposed to grant their said humble suit, KNOW YE therefore, that WE, for the considerations aforesaid, and of Our especial Grace, certain knowledge and meer motion, have given and granted, and by these Presents, for Us, Our Heirs, and Successors do give and grant unto the said Joshua Basset, &c. and Andrew Popham, and to every of them, Our Royal Licence and Dispensation to absent themselves respectively from Church, Chapel and usual place of Common-Prayers, as the same is now used in England: and to forbear using or reading the said Prayers, or declaring their respective assent or consent to the Contents of the Book of Common-Prayer, now used in England; and to abstain from and forbear receiving and administring the Sacraments of the Lord's Supper, according to the Liturgy or usage of the said Church; and from taking the Oaths of Supremacy and Allegiance; and from reading and subscribing the Articles of Religion, commonly called the Nine and Thirty Articles; and from making, subscribing and repeating any Declaration, Acknowledgement, or recognition; and from doing any other Act or thing, required by, or mentioned or contained in one Act of Parliament made in the Thirteenth or Fourteenth Year

of the Reign of our late Royal Brother, Entituled, An Act for the Uniformity of Publick Prayers, and Administration of the Sacraments, and other Rites and Ceremonies, and for establishing the Form of making, ordaining and Consecrating Bishops, Priests and Deacons in the Church of England, mentioned or referred to in another Act of Parliament, made in the Five and Twentieth Year of the Reign of our said late Brother, Entituled, An Act for preventing dangers which may happen from Popish Recusants, and for declaring and subscribing all and every such other Act and Acts, thing and things, in conformity to the Doctrine, Discipline, and Liturgy of the Church of England, as the said Joshua Basset, and Andrew Popham, or any of them, by reason of their or any of their being admitted into, or having or enjoying the said respective promotions and places, are, is, or shall be, by the Laws and Statutes of this our Realm of England, or by any Statute, Constitution or custom of our said University of Cambridge, or of the Colledges or Hospital heretofore mentioned. AND OUR PLEASURE ALSO IS, and we hereby require, enjoyn and Commend, the Governors of the Lands, Possessions, Revenues and goods of the Hospital of King James founded in Charter-House, within the County of Middlesex, at the humble Petition and only cost and charges of Thomas Sutton, Esquire: Now and for the time being, and all other persons whom it may concern, that they and every of them in their respective places do Act and perform all and whatsoever is or ought to be acted, done and performed by them respectively, for the Electing, admitting and establishing the said Andrew Popham to be one of the poor men in the said Hospital, and to have and enjoy all the Profits, benefits and advantages, to any poor man in the said Hospital belonging. Notwithstanding that the said Andrew Popham hath not taken, or shall omit, neglect or refuse to take the Oaths of Supremacy and Allegiance, or either of them: Or hath not done or performed, or shall omit, neglect, or refuse to do or perform what by the said Acts of Parliament, or any of them, or by one other Act of Parliament made in the Third or Fourth Year of the Reign of our late Royal Grandfather King James over England, &c. Entituled, An Act for the establishing and confirming of the Foundation of the Hospital of King James, founded in Charter-House, in the County of Middlesex, at the humble Petition and only Costs and Charges

of

of Thomas Sutton, Esquire, *and of the Possessions thereof. Or by any Statute, Law, Constitution, or Custom of the said Hospital, he is enjoyned or required to do or perform: as if he had fully and effectually done or performed the same. AND do hereby further for Us, our Heirs and Successors, authorize and impower the said* Joshua Basset *and* Andrew Popham, *to accept, hold and continue in the said respective Promotions and Places, with all the rights, profits, powers, privileges, authorities and advantages whatsoever to the same respectively belonging, without incurring any pain, penalty, loss, disability, or censure whatsoever, and also to travel to the Cities of* London *and* Westminster, *and to come, remain, and be in our Presence, or in the presence of Our Royal Consort the* Queen, *or of* Katharine *Queen Dowager of* England, *or in Our Court, or in the Court or House where We or They are, or shall be, or reside, although the said* Joshua Basset *and* Andrew Popham *have not, or any of them hath not done or performed, or shall at any time or times hereafter omit, neglect or refuse to do or perform any thing or things enjoyned, required or enacted to be done or performed by the said Acts of Parliament, or either of them, or in or by any other Act or Acts of Parliament made in the Thirtieth Year of the Reign of our said late Royal Brother King* Charles *the Second, or in the first, fifth, thirteenth, three and twentieth, seven and twentieth, nine and twentieth, and five and thirtieth Years of the Reign of the late Queen* Elizabeth, *or in the first or third Years of the Reign of Our late Royal Grandfather King* James *over* England, *&c. Or in or by any Statute, Constitution, or Custome of, or in the University of* Cambridge, *or of the Respective Colledges and Hospital aforesaid, or any of them: and although the said* Joshua Basset *and* Andrew Popham, *or any of them have or hath committed or done, or shall commit or do any thing or things contrary unto any of the said Acts of Parliament, or any or either of them, or contrary unto any clause, article or thing in them, or any of them contained, or contrary unto any Statute, Constitution or Custome of, or in the said University of* Cambridge, *or of the several and respective Colledges and Hospital aforesaid, or any of them. AND to the end that this Our Royal Licence, Dispensation and Grant may have its due effect, We do hereby*

of Our further especial Grace, certain knowledge and meer motion, pardon, remit, exonerate and discharge the said Joshua Basset ——— *and* Andrew Popham, *of and from all Treasons, misprisions of Treason, crimes, offences, pains, penalties, suspensions, deprivations, sentences, censures, forfeitures and disabilities by them, or any of them, incurred or to be incurred, or whereunto they or any of them now are, is, or hereafter may be liable for, or by reason of their or any of their having acted, done or committed any thing or things contrary to the said Acts or any of them, or for that they or any of them have or hath omitted, neglected or refused, or shall at any time hereafter omit, neglect or refuse to do, execute or perform any thing or things enjoyned or required to be done, executed or performed in or by the said Acts of Parliament, or any of them, or in or by the Statutes, Constitutions or Customes of the University of* Cambridge, *or of the respective Colledges or Hospital aforesaid or any of them, hereby enjoyning and requiring all and singular Courts and Judges, as well Ecclesiastical as Civil, to supersede and forbear at all times hereafter all prosecutions and proceedings whatsoever against the said* Joshua Basset ——— *and* Andrew Popham, *or any of them, for or by reason of any matter or thing hereby dispensed with, licensed or remitted. AND our pleasure is, and we do hereby of Our more abundant grace, certain knowledge, and meer motion, grant and declare, that these Presents shall be in and by all things firm valid and effectual in the Law, and shall be available for the purposes aforesaid, notwithstanding the said Acts of Parliament, or any of them, or any the Statutes, Constitutions, or Customes of the said University of* Cambridge, *or of the Colledges or Hospital aforesaid, or any of them. AND notwithstanding the not reciting or mentioning, or not sufficiently or particularly reciting or mentioning, or misreciting the Statutes, Constitutions or Customes of the said University, Colledges or Hospital aforesaid, or any of them, or the Titles or Contents thereof. AND notwithstanding that the said* Joshua Basset ——— *and* Andrew Popham, *or any of them is, are or at any time hereafter shall be a convict Recusant, or convict Recusants. And notwithstanding any misnomer, misrecital, or other defect or Imperfection in these Presents; and any Act, Ordinance, Proviſion, Proclamation, Disability or Restriction to the contrary thereof in any wise notwithstanding.*

IN

IN WITNESS *whereof we have cauſed theſe Our Letters to be made Patents. WITNESS Our Self at* Weſtminſter *the Fourth day of* March *in the Third Year of Our Reign.*

There was a great miſtake committed in theſe Letters Patents, and in a part that requir'd the greateſt care. The Act of Parliament that ſhould have been diſpens'd with in behalf of *Popham*, was 3 *Caroli*. Whereas the Patents refer to, and diſpence with one in the 3*d*. or 4*th*. Year of King *James*. The Governours were made ſenſible of this, but they would not lay any ſtreſs upon a Circumſtance, when the ſubſtance was faulty, and therefore took no notice of it.

This is the ſumm and ſubſtance of the Letters Patents, MANDATORY and DISPENSATORY. And as to the Caſe of *Popham*, in vertue of that clauſe, where the *Governours of* Sutton's *Hoſpital, and all other perſons conterned, are required to act and perform whatſoever ought to be done and performed by them reſpectively, for the Electing, admitting and eſtabliſhing the ſaid* Andrew Popham *in the ſaid Hoſpital*. In vertue, I ſay, of this clauſe, they demanded preſent admiſſion of the Maſter, Admiſſions being made by his Order. But he told them, the buſineſs was now depending before the Governours in a Body, and therefore no ſingle Governour could act ſeparately in it.

My Lord of *Canterbury*, as I told you, call'd an Aſſembly of the Governours ſeveral times, but without ſucceſs: Some coming, and ſome ſtaying away, ſo as the number ſtill fell ſhort; till Midſummer day came, which being a ſtated Aſſembly, there were Nine Governours preſent. Then the King's Second Letter, and theſe Letters Patents were read and conſidered; And thereupon a Letter was drawn up to give reaſons to his Majeſty why they could not comply with his pleaſure as to the Admiſſion of *Andrew Popham* into that Hoſpital. This Letter was Signed by Eight Governours, and directed and ſent to one of the Secretaries of State to repreſent the contents of it to the King.

The LETTER was as followeth.

My Lord,

HIS Majesty's Two Letters, the one dated the 17th of *December* last, and the other the 21st of *March* last, countersigned by your Lordship, came to our hands. Whereby His Majesty requires us, that we admit *Andrew Popham* to be a Pensioner in *Sutton*'s Hospital, without tendring any Oath or Oaths unto the said *Andrew Popham*, or requiring of him any Subscription, Recognition, or other Act or Acts in Conformity to the Doctrine and Discipline of the Church of *England*, as the same is now Established; And notwithstanding any Statute, Order, or Constitution, of or in the said Hospital, with all which His Majesty was pleased to Dispense. Which Letters were received with the respect that is due to whatsoever cometh from His Majesty. And it hath not been any fault of ours, that an Answer hath not been sooner returned. Several Assemblies having been appointed in order to it, but there were not, at those times, so many Governours in or about the Town, in a condition to attend, as would make up the number directed by the Constitutions. We could not till now acquaint your Lordship, that upon debate of the aforesaid Letters, it is agreed to represent, in the most humble manner, to His Majesty by

your

your Lordſhip's means, and through your hands; That we apprehend our ſelves to be tyed up, and to lye under ſuch ſtrict obligations, that we are not at liberty to comply with what is required from us, for theſe Reaſons.

For that the ſaid Hoſpital is of a private Foundation: and the Governours obliged to act according to the Conſtitutions of the ſame.

That by an Act of Parliament, made in the Third Year of the Reign of King *Charles* the Firſt, of bleſſed memory, It is Enacted, That every poor man to be elected and admitted into the ſaid Hoſpital, ſhall, before he receive benefit of any ſuch place, take the Oaths of Supremacy and Allegiance.

Therefore We pray your Lordſhip to repreſent to His Majeſty that we conceive, We cannot with a Faithful diſcharge of our Truſt, admit the ſaid *Andrew Popham*. This, We pray your Lordſhip to repreſent to His Majeſty in the moſt humble manner; Whereby you will extremely oblige

W. CANT.
ORMOND.
HALIFAX.
CRAVEN.
DANBY.
NOTTINGHAM.
H. LONDON.
T. BURNET.

This Letter, when it was read to the King, he gave it, as we heard, to the Lord Chancellor: And bid him find out a way how he might have right done Him at that Hospital. But there were several reasons that hinder'd the further proceedings of the *Court* against *Charter-House*. The Persons concern'd were of so great a Character, so much consider'd by the Nation, and so well able to defend their cause, that the Ecclesiastical Commissioners (who were the support of the *Dispensing* Power) had no mind to meddle with them. Besides, they had their hands full of other business at that time. They were quarrelling the two Universities upon the same point. And the next Spring, they fell upon the Clergy, for not reading the King's Declaration about Liberty of Conscience. The Archbishop, and six Bishops more were sent to the Tower, by Warrant from the Privy-Council: and afterwards formally Try'd at the *King's-Bench* Barr. These things had put the Nation into a great ferment and uneasiness, so that it was necessary to allow some time for things to settle and grow calm again, before they enter'd upon any more angry business. But towards the latter end of the Summer, when they should have begun their Prosecutions a fresh, They see the Heavens grow cloudy, and a storm a coming from abroad. Then the *Court* begun to think of new measures, how to please the Nation, and put all things to rights again. So that it was no more time to call to account the disobedient Governors of *Charter-House*; who, by the necessity of affairs, had been conniv'd at thus long. But in this interval, we had several threatnings, That a *Quo Warranto* (which was the battering Engine of those days) should be brought against the Corporation. And that the Master, particularly, should be Summon'd before the Ecclesiastical Commissioners. But all this came to no effect; Neither could they ever get any *Popish* Governor, or *Popish* Pensioner, admitted into that Society.

FINIS.